App. F. IX-4

Previous References. 1943. File No. 285-43

Serial Nos. 1-2

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Two

Part B for July 1944.

SUBJECT

Grant of a portion of Crown Land of Kadalagere belonging to the temple at Melkote to Kempaiah, Peon in the Secretariat.

R. 113-16 dated 5th July 1944.

To the Revenue Commissioner for S.D. & K.R.
Commissioner, Mysore Div.
Mysore.

Sanction the recommendation

13-7-44.

Grant of a portion of Sircar S.No. 228 of Kadalagere, belonging to the Temple at Melkote to Kempaiah, Peon in the Secretariat.

5144/R. √5192/R

Mwz. File No. / Current No. 285 of 1943-44 Page.

Sl.No.

[1] Letter No. M5-C. 1977/43-44, dated the 8th June 1944

From the Mysore Commissioner in Mysore, recommending in the circumstances explained, sanction to the grant of a portion of S.No. 228 of Kadalagere Village, Melkote Hobli, French Rocks Taluk, measuring 3 acres and 12 guntas, Wet and Dry, a Sircar land belonging to Sri Narayana Swamy Temple at Melkote, to Kempaiah Daleyet of the Secretariat, on upset price at Rs. 100/- per acre of Wet and Rs. 25/- per acre of Dry land.

Letter dated nil (received on 6th) from the A.S.P.W. Dept. on the matter

(1) The applicant who is at present working in the Public Works Secretariat, is stated to belong to Kadalagere Village in which the land in question is situated.

(2) S.No. 228 was originally endowed as inam to the Melkote Temple, but during the Settlement in 1877-78, it was resumed and fully assessed and the khata registered in the name of Temple. Out of the total extent of 5 acres and 9 guntas, a portion measuring 1 acre 34 guntas is being cultivated at present by one Linge Gowda, who came into its possession as a consequence of a series of transfers and the question of obtaining possession of this portion from the party, for the temple is under correspondence separately.

(3) The remaining extent of 3 acres and 12 guntas is made up of a portion of Wet land measuring 1A-18 G. and a Dry portion measuring 1A-34 G. The villagers have no objection to the grant of these portions of the S.No. to the applicant They have estimated their value at Rs. 40/- and Rs. 10/- per acre respectively. The S.D.O. who inspected the S.No. considers that the villagers have underestimated their value, and opines that Rs. 100/- and Rs. 25/-, per acre for the Wet and Dry portion

Grant of a portion of S 222 of Kadalagi Melkote at Melkote to Kempaiah, Peon of the Secretariat

From

S/144/R/5192/R.

Continuation Sheet. Mwl. File No. / Current No. 285 of 1943-44 Page

respectively, would be reasonable.

(4) The local officers recommend that the land, which has been lying fallow for the past several years, may be granted to Kempaiah at an upset price on the rates proposed by the S.D.O. subject to the payment of assessment to the temple. The Dharmadarshi of the Temple however, does not seem to have been consulted in the matter.

(5) The M.C. recommends that the land in question may be granted to Kempaiah, and the amount realised invested in Fixed Deposits, the interest being credited to the temple funds every year. The party has given a statement before the Asst. to the M.C. that he is willing to pay the upset price fixed and to credit the assessment to the temple, every year.

(6) Subd. for orders

P 6/44

(7) The P.'s request may be granted

26/7

(8) MV R82) 26/7

(9) 30/6

Draft Subd

1/7/44

(11)

3 JULY 1944

SEN. ASSTT SECTT

Issued to R. 113-16, dated the 5th July 1944
To - The Mysore Commissioner with records
" Commr. for Settlement and L. Records
" Comptroller to Govt.
" Dy. Commissioner, Mandya Distt.
Sanctions the recommendation of the M.C.

5147/R WD 05967-GPB—50,000—9 3 42

Dec 194 285-43.

From
Rajasevaprasakta
L.Seshadri, Esqr., B.A.,
Luzral Commissioner in
Mysore, Bangalore.

To
K. Subba Rao, Esqr.,B.A.,
General Secretary to Government
of Mysore, Bangalore.

Dated 8th June 1944.

Despatched

Received 1944

General No. P 5-107/43-44.
No.

Enclosure No. Reports.

1576

Subject:- Grant of lands out of S.No.223 Kadalere village, belonging to Sree Narayanaswamy temple at Melkote to Kempiah, Peon, Electrical Secretariat, Bangalore.

Sir,

I have the honour to state that Kempiah, Peon, Electrical Secretariat, Bangalore, and a native of Kadalpere village, Melkote Hobli, has petitioned to this office for the grant of wet and dry lands out of S.No.223 belonging to Sri Narayanaswamy temple at Melkote. It is seen from the reports of the Deputy Commissioner, Mandya, and the old records of this office, that the survey number 223 of Kadalere village measuring 5 acres and 9 guntas was originally an inam land endowed to the temple and that during the survey settlement of 1877-78, it was resumed and fully assessed and that khata was made in the name of the deity. Out of this S.No. a portion of land measuring 1 ac- 37 Gs. came to the possession of one Sinne Gowda through series of sales.

While disposing of Appeal No.17/34-35 (copy enclosed) of Mallegowda who had occupied the above bit of land, it was pointed out that action had not been taken to file a suit against him for recovery of land. The matter is under correspondence several times with the Deputy Commissioner, Mandya, as to how action should not be taken to file

to file a suit against Singe Gowda. Separate report will be made in due course.

Of the remaining portion of the S. No. comprising of 1 Ac.18 Gs. of wet and 1 Ac.34 Gs of dry, the Deputy Commissione recommends that the wet and dry portions may be sold out to the petitioner Kempiah at an upset price of Rs.100/- andRs.25/- per acre respectively, as this is a fair price for the lands in question The lands are lying waste without bringing any profit to the temple. Besides it is also reported that it involves initial expenditure to take water to the wet portion of the land applied for. The petitioner Kempiah has executed a mutchalika on 30th March 1944, in this office, agreeing to pay the upsent prices referred to above as also the land revenue on the lands.

In these circumstances, I request th t sanction of Government, may be kindly obtained to the grant of lands in question, to the petitioner, Kempiah, at an upsent price of Rs.100/- per acre of wet land and Rs.25/- per acre of dry land, the amount realised by the sale of the lands being invested in the Government Savings Bank Fixed Deposits and the interest thereof being credited every year to the funds of the temple.

The enclosed records may kindly be returned when done with.

I have the honor to be,
Sir,
Your most obedient servant,

Murrai Commissioner.

IN THE COURT OF THE MUZRAI COMMISSIONER IN MYSORE BANGALORE.

APP.NO.17/34-35.

Appellant. Respondent.-

Singegowda, residing at Kadalgere, Seringapatam Taluk

Kempegowda, Kadalgere, Seringapata Taluk.

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Subject:-

Appeal against the order of the Deputy Commissioner, Mysore District, upholding the order of the Sub Division Officer, confirming the lease sale of a portion of S.No.228 of Kadalger Serangapatam taluk.

Facts of the case.

S.No.228 of Kadalgere village, Seringap_tam Taluk, measuring 5A-9G was originally an inam endowed to Sri Narayanaswami temple at Melkote. But during the survey settlement of 1877-78, it wa resumed and fully assessed. The khate was made in the name of the deity. In the year 1880 the land was leased out to one Marenaikananall Shamanna as a temporary measure to begin with but was subsequently made permanent by the District Muzrai Officer on condition of the lessee paying an assessment of Rs.7-9-11 to Government and Rs.3-5-8 as income to the temple.

2. The lessee sub-let a portion of land to one Kannappan Tirunaraniengar and the remaining portion was sold in satisfaction of a Civil Court decree to one Basavian from whom through a ~~service~~ series of sales the land in question passed to the present appellant. The portion sub-let to Tirunaraniengar was also subjected to a Civil Court sale and was purchased by one Rangadhana Singlachar in 1913 who subsequently resigned it and was taken possession of by Government on behalf of the temple and leased out.

3. The temple received the proportionate income out of Rs.3-5-8 in respect of that portion of the land now in possession of the appellant regularly till 1888-89 in 1890 the question of its continuance cropped up as the holder of the land refused to pay it on the ground that the assessment had been raised. The matter having been reported to Government, it was directed in the Revenue Secretaryds letter No.974 dated 7-1-25, that as the Muzrai Officer had no power to lease out the land permanently, action may be taken for filing a suit for the recovery of land along with the arrears claimable. This direction was lost sight of and action was subsequently taken to sell on panchasal tenure, the land in possession of the appellant. It was actually sold on 10-2-1930 and was knocked down to one Kempe Gowda for an annual gutta of Rs.42/-. Singe Gowda contested the above sale, both before the Sub Division Officer and the Deputy Commissioner. But his contention was not allowed.

Hence the appeal.

The case came up for hearing on 29-8-~~1935~~.1935. Notices were served on both the parties and the appellant was represented by Mr.B.Venkata Rau,M.A.,B.L.,

ORDER

Appellants counsel heard. He contends that the land not being devadaya inam cannot be summarily resumed under Section 10 of Religi and Charitable Institutions Regulation. For several decades it has changed hands on various occassions and the successive purchaser have held it subject to the payment of migate or Naphamsa to the temple. It is therefore contended that the rights of the temple are limited and there is no need to distrub the occupants so long as Naphamsa is paid to the temple and this the appellant now agrees to pay.

The land having been treated as sircar, and not as inam land during inam settlement, the provisions of Section 10 of the Religious and Charitable Institutions Regulation cannot be applied in this case So long back as January 1925, the Government directed that a suit should be filed for the recovery of the land and the arrears of rent due. It is a pit that no auction was taken accordingly. Even now this is the only course open to the Muzrai Officers if a fair rent from the land is to be secured for the institution. Meanwhile, there can be no object on to recovering from the party, six years' dues on account of Naphamsa as land Revenue arrears, under Sec.12 of the Regulation as the obligation to pay this Naphamsa is admitted.

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"Copy"

A. N. [illegible]

For Muzrai Commissioner.

12.6.44

5792/R

My aforesaid Kempiah has applied for permission
a few acres of land belonging to Melkote Temple
I learn that the file has been sent by the Rev.
Com to Govt. I request that his case may
sympathetically. Thanking you

Yours truly

To
Hon Sir V

S.No. 228 - Kadalagere. T.R. Taluk.

A. G.
1-37 - Sunjegowda

0100-p.a. 1-18 wet } Kempaiah { Rs 145-0-0 } = 191-4-0
0.25-" 1-34 Dry } { Rs. 46-4-0 }

5-09

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read -

Letter No.N.5. C.1977/43-44 dated the th June 1944, from the Nuzrai Commissioner in Mysore, recommending sanction to grant a portion measuring 3 acres 12 guntas, of S.No.228 of Kadalagere Village, Melkote Hobli, Pronch Rocks Taluk, belonging to Sri Narayanaswamy Temple at Melkote to Kempaiah, Palayat of the Secretariat, Bangalore.

GAD R No. R 113-16/Nuz/285-43-2

Dated, Bangalore, 5th July 1944.

It is reported that S.No.228 of Kadalagere Village, Pronch Rocks Taluk, ~~measuring~~ measuring 5 acres 5 guntas and assessed at Rs.17/- which had been endowed as an Inam to Sri Narayanaswami Temple at Melkote was resumed and fully assessed at the time of Survey Settlement in 1877-78, that a portion measuring 1 acre 37 guntas is now in the possession of one Singay Gowda, through a series of transfers, and that the remaining extent of 3 acres 12 guntas (1 acre 14 guntas wet and 1 acre 34 guntas dry) is lying banjar for the last several years, requiring considerable expenditure to bring it under cultivation. Kempaiah, a Palayat of the Secretariat, Bangalore, who belongs to Kadalagere village, has petitioned ~~ed~~ praying for the grant of this portion of the S.No. for cultivation. The local officers have recommended, after spot inspection, that the land may be granted to the petitioner at an upset price of Rs.100/- per acre of the wet area and Rs.25/- per acre of the dry area, subject to the payment of assessment due thereon to the Temple. As the party has executed a muchalika agreeing to pay the above upset price and to credit the assessment to the Temple every year, the Nuzrai Commissioner recommends sanction to grant him the land in question at an upset price of Rs.131-4-0 calculated at the rates fixed by the Sub Division Officer.

2. In the circumstances, Government are pleased to sanction the recommendation of the Nuzrai Commissioner.

(DRAFT).

For General Secretary to Government

To
The Nuzrai Commissioner in Mysore, with the connected records.
The Commissioner for Settlement and Land Records,
The Comptroller to Government,
The Deputy Commissioner, Mandya District.

G R S. App. F VI—G. 2]

SUBJECT.....

Diary No. of letter replied to ..... 5144/R. .....

Section Muzrai

File No. 285-43

Serial No. 2

General and Revenue Secretariat

(Muz. Section)

the 18th July 1944.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue... 5. 7. ... 1944

M.C.W/R.

Signed by .. (Mr. S.K.V) ..

Read— Letter No. MS-C.1977/43-44, dated the 8th June 1944, from the Muzrai Commissioner in Mysore recommending sanction to grant a portion measuring 3 acres 12 guntas of S. No. 228 of Kadalagere Village, Melkote Hobli, French Rocks Taluk, belonging to Sri Narayana Swamy Temple at Melkote to Kempaiah Dalayet, of the Secretariat Bangalore

Order thereon.— No.

ORDER No R 113-16

Dated 5th July 1944

It is reported that S No 228 of Kadalagere Village, French-Rocks Taluk, measuring 5 acres 9 guntas and assessed at Rs 17/=. which had been endowed as an inam to Sri Narayanaswamy Temple at Melkote, was resumed and fully

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette, Kannada Part?

assessed at the time of Survey Settlement in that a portion measuring 1 acre 37 guntas is now in the possession of one Singay Gowda, through a series of transfers, and that the remaining extent of 3 acres 12 guntas (1 acre 18 guntas wet and 1 acre 34 guntas dry is lying banjar for the last several years, requiring considerable expenditure to bring it under cultivation. Kempaiah a Dalayet of the Secretariat, Bangalore, who belongs to Kadalagere Village, has petitioned praying for the grant of this portion of the S. No. for Cultivation. The local officers have recommended, after spot inspection, that the land may be granted to the petitioner at an upset price of Rs. 100/= per acre of the Wet area and Rs. 25/= per acre of the dry area, subject to the payment of assessment due thereon, to the Temple. As the party has executed a muchalika agreeing to pay the above upset price and to credit the assessment to the temple every year, the M.C. recommends sanction to grant him the land in question at an upset price of Rs. 191-40 ~~based~~ on the rates fixed by the S.D.O.

List of Enclosures

2. In the circumstances, Govt. are pleased to sanction the recommendation of the M.C.

Copied by

Examined by

~~For~~ Gen. Secy to Govt.

To—The Muzrai Commissioner in Mysore, with the connected records

R 117 a Comm. for Settlement WD 03696 SPBS 80 100 Records
no 10. m Comptroller to Government
5.7.84 m Deputy Commissioner Mandya District.
Copy to Kempaiah Dalayet, Secretariat